REMARKS

The Office Action dated February 22, 2005, has been received and carefully reviewed. The preceding amendments and the following remarks form a full and complete response thereto. Claims 1 and 26 are amended as to matters of form. Support for amended claim 1 can be found in Fig. 3 and paragraph 0020 of the present application. No new matter is added. Claims 29-39 are withdrawn. Accordingly, claims 1-39 are pending in this application and are submitted for consideration.

Claims 4, 5, 7, 10-12, 14, 15, 20, 21, 23, 27 and 28 were found to contain allowable subject matter but were objected to as being depended upon a rejected base claim.

Claim 26 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, claim 26 does not end with a period, and therefore, was considered incomplete and indefinite. Claim 26 is amended herein to correct the informality. The Applicant submits that claim 26 as amended complies with the requirements of 35 U.S.C. § 112. Accordingly, the Applicant requests that the rejection be withdrawn.

Claims 1-3, 6, 8, 9, 13, 16-19, 22 and 24-26 were rejected under 35 U.S.C. §102(b) as being anticipated by Matsuura (U.S. Patent No. 3,939,535). The Applicant respectfully traverses the rejection and submits that claims 1-3, 6, 8, 9, 13, 16-19, 22 and 24-26 recite subject matter not disclosed by Matsuura.

Regarding claim 1, Matsuura fails to disclose a spring arm or deflection arm, as

claimed in claim 1. According to claim 1 of the present invention, a clamp includes a clamp body, which includes a spring arm extending generally in an arc having a first end and a second end connected by an angular extent, a protrusion projecting from the spring arm proximate the second end thereof, and a deflection arm connected at a first end thereof to the first end of the spring arm and having a second end disposed in spaced relation with respect to the protrusion. The angular extent of the spring arm is less than 360 degrees of arc. The deflection arm is constructed and arranged such that relative movement of the protrusion and the second end of the deflection arm away from each other effects a corresponding circumferential contraction of the spring arm and relative movement of the protrusion and the second end of the deflection arm toward each other effects a corresponding circumferential expansion of said spring arm.

Matsuura describes a tube fastener with a binding wire which is wound in coil form, with the ends in crossed relation to one another. One end of the binding wire is bent transversely and attached to a supporting plate and the other end is fixed to a pressing plate. See Abstract of Matsuura. The end part 22 of Matsuura cannot be considered to be a deflection arm as defined by claim 1 of the present invention. The end part 22 is not intended to deflect in any way. Instead, it is merely another protrusion. In the present invention, the deflection arm is constructed and arranged such that relative movement of the protrusion and the second end of the deflection arm away from each other effects a corresponding circumferential contraction of the spring arm. In Matsuura, it does not matter

how the second end of the end part 22 is moved in relation to the folded back portion of end 21. It is only the position of the ends of the binding wire to each other that matter. In fact, it would be possible to move the second end of end part 22 in toward the folded back portion of end 21 without effecting a corresponding circumferential contraction of the binding wire. In Matsuura, the two protrusions allow the ends of the binding wire, which are overlapped and have no gap therebetween, to be directly moved toward or away from each other by a screw device engaged with two protrusions (and no deflection arm). Further, the binding wire has an arc section having an angular extent of greater than 360 degrees of arc. Thus, Matsuura fails to disclose each and every element of claim 1, upon which claims 2-14 depend.

Regarding claim 2, Matsuura fails to disclose the feature that the spring arm has an angular extent of about 270-300 degrees between said first and second ends thereof. As discussed above, the device of Matsuura includes a binding wire that continues for more than 360 degrees of arc, as there is no gap between the first and second ends of the spring arm section. See, for example, paragraph 0020 of the present application. ("The angular extent 53 has at least about 250 degrees of arc and must be less than 360 degrees (and therefore has a gap between its ends) so that the spring arm 52 can be contracted.") In contrast to the present invention, the device disclosed in Matsuura includes a coil that completes a full turn. See Figs. 1-2 of Matsuura.

Regarding claims 3 and 19, as described above, Matsuura does not disclose a deflection arm

or a spring arm having an angular extent of less than 360 degrees.

Regarding claim 16, upon which claims 17-29 depend, Matsuura fails to show a spring arm means as claimed. Claim 16 is written in means-plus-function format, and therefore, pursuant 35 U.S.C. § 112, paragraph 6, the claim must be interpreted to include the structural limitations (and equivalents thereof) described in the specification corresponding to the function recited in the claim. Here, a spring arm means for contracting or expanding along an arc is recited in claim 16. In the specification, spring arm 53 is disclosed, which has an arc section and first and second ends (54, 56) separated by a gap. See Fig. 3. The angular extent 53 must be less than 360 degrees (and therefore has a gap between its ends) so that the spring arm 52 can be contracted. See paragraph 0020.

Matsuura has a different arrangement than that of the present invention. In particular, the binding wire portion of the device disclosed in Matsuura has an arc extent that is greater than 360 degrees and there is no gap between the ends thereof. See, e.g., Fig. 1 of Matsuura. The device of Matsuura is a coil and its ends overlap. Thus, Matsuura fails to disclose the spring arm means as recited in claim 16.

In view of the foregoing, the Applicant respectfully submits that Matsuura fails to disclose each and every element of claims 1-3, 6, 8, 9, 13, 16-19, 22 and 24-26. Accordingly, the Applicant requests that the rejection be withdrawn and claims 1-3, 6, 8, 9, 13, 16-19, 22 and 24-26 be allowed. Further, the Applicant requests rejoinder of claim 29-39 and allowance of claims 29-39, since claim 29 recites all the limitations of allowable claim 1.

Hence, the Applicant requests that claims 1-39 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

By _____

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